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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/136,839	08/20/98	TETT	R PAGE01-00136

EXAMINER	
SHIMIZU,M	
ART UNIT	**PAPER NUMBER**
2635	15

023990
DOCKET CLERK
P.O. DRAWER 800889
DALLAS TX 75380

TM02/1022

DATE MAILED: 10/22/01

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Commissioner of Patents and Trademarks

T.R

Office Action Summary	Application No.	Applicant(s)	
	09/136,839	TETT, RICHARD J.	
	Examiner	Art Unit	
	Matsuichiro Shimizu	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Response to Amendment

The examiner acknowledges amended claims 1-2, 10 and 18.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 8, 10-12 and 16-20 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's argument (lines 1-12, page 12), that Davis does not teach storing messages which were previously delivered to said subscriber. However, Helferich discloses, in the analogous art of paging system, storing wireless messages directed to the subscriber including at least one stored message which was previously delivered to said subscriber (col. 14, line 59 to col. 15, line 19 and col. 15, lines 46-55, analogous to saving all messages in the system (30) for repeated delivery) to assure the successful transfer of any message.

Regarding applicant's argument (line 14, page 13 to line 1, page 14 that Davis in view of Pepe does not teach storing messages which were previously delivered to said subscriber. However, Helferich discloses, in the analogous art of paging system, storing wireless messages directed to the subscriber including at least one stored message which was previously delivered to said subscriber (col. 14, line 59 to col. 15, line 19 and col. 15, lines 46-55, analogous to saving all messages in the system (30) for repeated delivery) to assure the successful transfer of any message.

Regarding applicant's argument (lines 1-6, page 14) that Davis in view of Pepe does not teach only selected fields from stored wireless messages are sent to the subscriber in response to the initial retrieval request. However, Helferich discloses, in the analogous art of paging system, only selected fields from stored wireless messages are sent to the subscriber in response to the

initial retrieval request (col. 15, lines 46-55, portions of song) before determining the transfer of full message to optimize the network transfer capacity.

Regarding applicant's argument (lines 7-11, page 14) that Davis in view of Pepe does not teach only selected complete message from stored wireless messages are sent to the subscriber in response to the initial retrieval request. However, Helferich discloses, in the analogous art of paging system, only selected complete message from stored wireless messages are sent to the subscriber in response to the initial retrieval request (col. 15, lines 6-19, delayed delivery of stored message) to receive message reliably.

Regarding applicant's argument (line 12, page 14 to line 2, page 15) that Davis in view of Pepe does not teach canceling the stored messages. However, Helferich discloses, in the analogous art of paging system, canceling the messages stored remotely (col. 3, lines 15-26, remote facility or paging terminal) to optimize the message storage capacity.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-5, 7-13 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (5,392,452) in view of Helferich (6,259,892).

Regarding claim 1, Davis discloses for use in a wireless messaging system (c 1, ls 8-12), a message distribution system capable of allowing a subscriber (c 5, l 8, user) of said wireless messaging system to review stored wireless messages sent to said subscriber comprising; an interface to a database coupled to the message distribution system and capable of storing wireless messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber (c 6, ls 35-52, the message is stored in the temporary message memory (42, Fig. 1) whether the subscriber is authorized or unauthorized, and independently upon request and correct ID by the subscriber the message is transmitted to the subscriber via message distribution system of PSTN (20)), and furthermore, capable of storing wireless lengthy messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber (c 6, ls 35-52, the message is stored in the temporary message memory (42, Fig. 1) whether the subscriber is authorized or unauthorized, and independently upon request and correct ID by the subscriber the message is transmitted to the subscriber via message distribution system of PSTN (20)); a first I/O interface (30, Fig. 1, c 4, ls 25-31, telephone interface network) capable of receiving a message retrieval request (Fig. 1, c 4, ls 25-31, message retrieval request) from said subscriber (Fig. 1, c 4 , ls 25-31, signal generated belonging to subscriber or user); a message retrieval controller coupled to said first I/O interface (32, Fig. 1, c 4, ls 25-31, telephone interface network) capable of determining an identity of said subscriber (Fig. 1, c 4, ls 25-31, predetermined security identification code) from identification data contained in said message retrieval request (Fig. 1, c 4, ls 25-31, signal generated belonging to subscriber or user), retrieving a data record associated with said subscriber (34 and 42, Fig. 1), said data record containing one or more of said stored wireless messages (42, Fig. 1), and

transferring to said subscriber one or more selected portions of at least one of said stored wireless messages (c 4, ls 34-40, transferred to the pager or subscriber). But Davis does not disclose storing wireless messages directed to the subscriber including at least one stored message which was previously delivered to said subscriber.

However, Helferich discloses, in the analogous art of paging system, storing wireless messages directed to the subscriber including at least one stored message which was previously delivered to said subscriber (col. 14, line 59 to col. 15, line 19 and col. 15, lines 46-55, analogous to saving all messages in the system (30) for repeated delivery) to assure the successful transfer of any message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include storing wireless messages directed to the subscriber including at least one stored message which was previously delivered to said subscriber in the device of Davis because Davis suggests storing wireless lengthy messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber and Helferich teaches storing wireless messages directed to the subscriber including at least one stored message which was previously delivered to said subscriber to assure the successful transfer of any message.

Regarding claim 2, Davis continues, as disclosed in claim 1, to disclose storing wireless lengthy messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber (c 6, ls 35-52, the message is stored in the temporary message memory (42, Fig. 1) whether the subscriber is authorized or unauthorized, and independently upon request and correct ID by the subscriber the message is transmitted to the subscriber via message distribution system of PSTN (20)); But Davis does not disclose storing wireless

messages directed to the subscriber, regardless of whether said wireless message was received by said wireless paging device.

However, Helferich discloses, in the analogous art of paging system, storing wireless messages directed to the subscriber, regardless of whether said wireless message was received by said wireless paging device (col. 14, line 59 to col. 15, line 19 and col. 15, lines 46-55, analogous to saving all messages in the system (30) for repeated delivery) to assure the successful transfer of any message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include storing wireless messages directed to the subscriber, regardless of whether said wireless message was received by said wireless paging device in the device of Davis because Davis suggests storing wireless lengthy messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber and Helferich teaches storing wireless messages directed to the subscriber, regardless of whether said wireless message was received by said wireless paging device to assure the successful transfer of any message.

Regarding claim 3, Davis, further, discloses the distribution system initially transfers at least one stored message within the data record to the subscriber in response to the message retrieval request (c 4, ls 22-47, more selected fields are all fields or message). But Davis does not disclose the distribution system initially transfers only one or more selected fields from at least one stored message within the data record to the subscriber in response to the message retrieval request (c 4, ls 22-47, more selected fields are all fields or message).

However, However, Helferich discloses, in the analogous art of paging system, only selected fields from stored wireless messages are sent to the subscriber in response to the initial

retrieval request (col. 15, lines 46-55, portions of song) before determining the transfer of full message to optimize the network transfer capacity. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the distribution system initially transfers only one or more selected fields from at least one stored message within the data record to the subscriber in response to the message retrieval request in the device of Davis because Davis suggests the distribution system initially transfers at least one stored message within the data record to the subscriber in response to the message retrieval request and Helferich teaches the distribution system initially transfers only one or more selected fields from at least one stored message within the data record to the subscriber in response to the message retrieval request to assure the successful transfer of long message.

Regarding claim 4, Helferich discloses, in the analogous art of paging system, only selected complete message from stored wireless messages are sent to the subscriber in response to the initial retrieval request (col. 15, lines 6-19, delayed delivery of stored message) to receive message reliably.

Regarding claim 5, Davis discloses the first I/O interface (30, Fig. 1, c 4, ls 34-40) and an RF transceiver facility (15, Fig.1).

Regarding claim 7, Davis discloses receiving from said RF transceiver facility a response message responsive to a transmission of said received wireless message to said paging device (50, Fig. 1, c 5, ls 44-47, a call point transceiver) and response messages to stored messages are stored in association with the stored messages within the data record/database (c 3, ls 22-43, a call point transceiver).

Regarding claim 8, Davis discloses subscriber transmits message retrieval request. But Davis does not disclose the subscriber may selectively cancel any subsequent attempt to deliver the received wireless message via the RF transceiver facility.

However, Helferich discloses, in the analogous art of paging system, canceling the messages stored remotely (col. 3, lines 15-26, remote facility or paging terminal) to optimize the message storage capacity. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the subscriber may selectively cancel any subsequent attempt to deliver the received wireless message via the RF transceiver facility in the device of Davis because Davis suggests subscriber transmits message retrieval request and Helferich teaches the subscriber may selectively cancel any subsequent attempt to deliver the received wireless message via the RF transceiver facility to eliminate receiving unwanted message.

Regarding claim 9, Davis discloses said message retrieval request is received from a public telephone system (30, Fig. 1, c 4, ls 25-28, the interface coupled to PSTN-20).

Regarding claim 10 , Davis discloses a plurality of RF transceiver facilities (c 3, ls 2-33, anticipated from the nearest cordless telephone call point station suggests many other call point stations). Furthermore , the subject matters except said plurality of RF transceiver facilities in claim 10 are disclosed in claim 1, and therefore, rejections of the remaining subject matter expressed in claim 10 are met by references and associated arguments applied to rejections of claim 1. But Davis does not disclose storing wireless messages directed to the subscriber including at least one stored message which was previously delivered to said subscriber.

However, Helferich discloses, in the analogous art of paging system, storing wireless messages directed to the subscriber including at least one stored message which was previously

delivered to said subscriber (col. 14, line 59 to col. 15, line 19 and col. 15, lines 46-55, analogous to saving all messages in the system (30) for repeated delivery) to assure the successful transfer of any message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include storing wireless messages directed to the subscriber including at least one stored message which was previously delivered to said subscriber in the device of Davis because Davis suggests storing wireless lengthy messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber and Helferich teaches storing wireless messages directed to the subscriber including at least one stored message which was previously delivered to said subscriber to assure the successful transfer of any message.

All subject matters in claim 11 are disclosed in claims 3 and 10, and therefore, rejections of the subject matters expressed in claim 11 are met by references and associated arguments applied to rejections of claims 3 and 10.

All subject matters in claim 12 are disclosed in claims 4 and 11, and therefore, rejections of the subject matters expressed in claim 12 are met by references and associated arguments applied to rejections of claims 4 and 11.

All subject matters in claim 13 are disclosed in claims 4 and 10, and therefore, rejections of the subject matters expressed in claim 13 are met by references and associated arguments applied to rejections of claims 4 and 10.

All subject matters in claim 15 are disclosed in claims 7 and 13, and therefore, rejections of the subject matters expressed in claim 15 are met by references and associated arguments applied to rejections of claims 7 and 13.

All subject matters in claim 16 are disclosed in claims 8 and 13, and therefore, rejections of the subject matters expressed in claim 16 are met by references and associated arguments applied to rejections of claims 8 and 13.

All subject matters in claim 17 are disclosed in claims 2 and 10, and therefore, rejections of the subject matters expressed in claim 17 are met by references and associated arguments applied to rejections of claims 2 and 10.

Claim 18 recites a method of operation corresponding to system and method for retrieving and displaying paging messages of claim 1. The method claimed is obvious in that it simply follows the logical implementation of system and method for retrieving and displaying paging messages in the claim in performing each of the functional operations of method and apparatus for system and method for retrieving and displaying paging messages. Accordingly, the inventive embodiments set forth in claim 18 are met by the cited references and associated arguments as set forth above and incorporated herein. Therefore, it is considered that rejection of the limitations expressed in claim 18 would have been obvious to the artisan of ordinary skill at the time of the invention for the reasons given in the rejection of claim 1.

Claim 19 recites a method of operation corresponding to system and method for retrieving and displaying paging messages of claims 1, 3 and 18. The method claimed is anticipated in that it simply follows the logical implementation of system and method for retrieving and displaying paging messages in the claim in performing each of the functional operations of method and apparatus for system and method for retrieving and displaying paging messages. Accordingly, the inventive embodiments set forth in claim 19 are met by the cited references and associated arguments as set forth above and incorporated herein. Therefore, it is

considered that rejection of the limitations expressed in claim 19 would have been anticipated to the artisan of ordinary skill at the time of the invention for the reasons given in the rejection of claims 1, 3 and 18.

Claim 20 recites a method of operation corresponding to system and method for retrieving and displaying paging messages of claims 1, 3 and 18-19. The method claimed is anticipated in that it simply follows the logical implementation of system and method for retrieving and displaying paging messages in the claim in performing each of the functional operations of method and apparatus for system and method for retrieving and displaying paging messages. Accordingly, the inventive embodiments set forth in claim 20 are met by the cited references and associated arguments as set forth above and incorporated herein. Therefore, it is considered that rejection of the limitations expressed in claim 20 would have been anticipated to the artisan of ordinary skill at the time of the invention for the reasons given in the rejection of claims 1, 3 and 18-19.

2. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Helferich as applied to claim 1 above, and further in view of and Pepe at al. (5,742,905).

Regarding claim 6, Davis discloses subscriber ID received with the security ID (c 4, ls 34-37). But Davis does not disclose said subscriber to enter a password.

However, Pepe discloses, in the analogous art of subscriber security, said subscriber to enter a password (c 13, ls 45-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include said subscriber to enter a password in the device of Davis because Davis suggests subscriber ID received with the security ID and Pepe teaches said subscriber to enter a password as an added security feature.

All subject matters in claim 14 are disclosed in claims 6 and 13, and therefore, rejections of the subject matters expressed in claim 14 are met by references and associated arguments applied to rejections of claims 6 and 13.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hidaka (5,606,712), information managing apparatus capable of utilizing related information in different function modes; Davis (5,845,202), method and apparatus for acknowledge back signaling using a radio telephone system.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Micheal Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matuichiro Shimizu

October 18, 2001

MICHAEL HORABIK
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